

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

RHINO AVIATION CJ510 LLC AND  
SB 501 LLC,

Plaintiffs,

v.

WHITMORE HOLDINGS LLC AND  
DUPAGE AEROSPACE CORPORATION,

Defendants.

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Civil Action No. 4:24-cv-00615

Jury Demanded

**UNSWORN DECLARATION**

I, Douglas E. Stimpson, 11740 Airport Way, Broomfield, Colorado,  
DOB 3-8-1949, hereby declare under penalty of perjury, as follows:

1. I am an expert consultant in the field of aviation safety and accident reconstruction. My curriculum vitae is attached hereto as Exhibit A.
2. I have been retained as an expert in the above captioned matter by Brendan P. Doherty and the law firm Gieger, Laborde & Laperouse to investigate the collision between two aircraft, a Cessna Citation Mustang, N510HM (the “Mustang”), and a Raytheon Hawker 850XP, N269AA (the “Hawker”), which took place on October 24, at Hobby Airport in Houston, Texas.
3. I have reviewed, the preliminary data, and am still in the process of reviewing, the flight data and additional materials provided to me regarding the collision.
4. My investigation is ongoing, and my impressions are subject to change, but my preliminary impressions are as follows.
5. Prior to the collision, the Mustang had been cleared by Air Traffic Control (“ATC”) to land on runway 13R and was approaching for landing.
6. At approximately 3:18 p.m., ATC reportedly instructed the Hawker to line up and wait on runway 22, which is a runway that intersects with runway 13R. The crew of the Hawker reportedly acknowledged that instruction.
7. At approximately 3:19 the Hawker began a takeoff roll.

**EXHIBIT B**

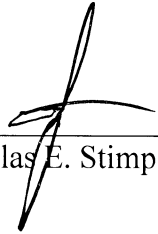
8. At 3:19:47, ATC reportedly radioed to the Hawker to stop and hold its position. The Hawker allegedly did not respond or acknowledge the instruction.
9. Six seconds later, ATC again reportedly radioed to the Hawker to stop and hold its position, and again received no reported response.
10. As the Mustang landed, the Mustang and the Hawker collided.
11. Following the initial instruction by ATC to the Hawker to reportedly stop and hold its position, the Mustang, which had been cleared to land, was still airborne.
12. In the seconds after giving that first instruction, when the Hawker did not immediately respond by stopping. It would have been prudent for ATC to have immediately radio the Mustang and instruct the Mustang to abort its landing.
13. Following the second instruction by ATC to the Hawker to stop and hold its position, the Mustang was still airborne.
14. Had the Mustang been instructed by ATC to abort its landing in the seconds between the ATC's first and second instruction, or even after the second instruction to the Hawker, the Mustang more likely than not could have aborted the landing and the collision would have been avoided.
15. Additionally, at Hobby Airport, there is only one tower frequency, and therefore, the crew of the Mustang likely would have heard the radio calls from ATC to the Hawker and would likely have been made aware of a problem (specifically an aircraft moving without ATC consent) transpiring on runway 22.
16. Despite having been cleared for landing, the crew of the Mustang likely could have aborted the landing on their own once they realized that the Hawker was intending on taking off on a runway that intersected with runway 13R, on which they were preparing to land. Had they done so, the collision would have been avoided.
17. The foregoing analysis is preliminary. My investigation is ongoing, and these preliminary impressions are subject to change.
18. The NTSB has not yet completed its final report and probable cause report. The NTSB typically issues its final and probable cause report within 12-24 months of an accident.<sup>1</sup>

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<sup>1</sup> [https://www.nts.gov/tad/Documents/TDA-Trifold\\_GENERIC.pdf](https://www.nts.gov/tad/Documents/TDA-Trifold_GENERIC.pdf)

I declare, under penalty of perjury, that the foregoing is true and correct.

Signed this 16 day of September 2024 in Broomfield, Colorado.



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Douglas E. Stimpson